

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

JACQUELINE RODRIGUEZ-CHAVEZ,        )  
                                              )  
Petitioner,                                )  
                                              )  
v.                                            )        Nos.: 3:12-CR-10-TAV-CCS-5  
                                              )                                                3:13-CV-238-TAV  
UNITED STATES OF AMERICA,                )  
                                              )  
                                              )  
Respondent.                                )

**JUDGMENT**

For the reasons discussed the contemporaneously filed memorandum opinion, the Court is in agreement with Magistrate Judge Guyton's recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation of Magistrate Judge H. Bruce Guyton, entered on August 30, 2016 [Doc. 236], and Petitioner's oral motion to withdraw the ineffective assistance of counsel claim alleging prior counsel's failure to file a notice of appeal is **GRANTED**.

In addition, Petitioner's § 2255 motion [Doc. 157] is **DENIED** and **DISMISSED WITH PREJUDICE**. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this Court **DENIES** Petitioner leave to proceed *in forma pauperis* on appeal. *See* Fed. R. App. P. 24. Petitioner having failed to make a substantial showing of the denial of a constitutional right, a

certificate of appealability **SHALL NOT ISSUE**. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

The Clerk of Court is **DIRECTED** to **CLOSE** Case No. 3:13-CV-238.

**IT IS SO ORDERED.**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin  
CLERK OF COURT